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ORDER E-FILED ON 9/21/06

Attorneys for Defendant

AMERICAN HOME ASSURANCE COMPANY

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

MONTEREY MUSHROOMS, INC., a
California corporation,

Plaintiff,

v.

AMERICAN HOME ASSURANCE
COMPANY and DOES 1 through 20,

Defendants.

) CASE NO. C 06-00400 HRL

) **JOINT STIPULATION TO CONTINUE**
) **TRIAL DATE AND ALL DISCOVERY**
) **DEADLINES; ~~PROPOSED~~ ORDER**

) Hon. Howard R. Lloyd

) Dept. 2

) ACTION FILED: 1/20/06

Plaintiff MONTEREY MUSHROOMS, INC. and Defendant AMERICAN HOME ASSURANCE COMPANY, by and through their undersigned counsel, hereby jointly stipulate to continue the trial of this matter which is presently set for March 5, 2007, and all discovery deadlines, by ninety (90) days.

Pursuant to entry of this Court's Order dated May 30, 2006, the Court scheduled the following discovery deadlines and trial:

- Fact Discovery Cutoff October 10, 2006
- Designation of Experts with Reports October 27, 2006
- Designation of Rebuttal Experts with Reports November 15, 2006

- 1 • Expert Discovery Cutoff November 30, 2006
- 2 • Last Day for Hearing on Dispositive Motions January 9, 2006
- 3 • Final Pretrial Conference February 27, 2007
- 4 • Jury Trial March 5, 2007.

5 (See Court's Order dated May 30, 2006, attached hereto as Exhibit "A.")

6 Pursuant to the Court's Order, the parties were further ordered to complete mediation by
 7 August 28, 2006.^{1/} The parties thereafter scheduled a mediation for August 29, 2006, and agreed
 8 to an informal discovery stay pending completion of the mediation. On August 29, 2006, the
 9 parties attended the court ordered mediation before the Hon. Harry Low, but the matter was not
 10 resolved.

11 However, in a good faith effort to resolve this lawsuit, the parties agreed to further evaluate
 12 several issues and participate in a second mediation session before Judge Low on **October 3,**
 13 **2006**, subject again to a stay of discovery. However, the parties are concerned that they will not be
 14 able to meet these discovery deadlines and adequately prepare for trial if this matter is not resolved
 15 on October 3, 2006.

16 Therefore, good cause exists for this Court to continue the trial and the attendant discovery
 17 deadlines by ninety days. Even though the parties are optimistic that this matter will settle at the
 18 mediation, in the event this matter is not resolved, the parties will be substantially prejudiced if the
 19 current discovery deadlines are enforced and the trial date is not continued.

20 Therefore, in stipulating and agreeing to request this continuance, the parties agree and
 21 stipulate to the following limitations, subject to the Court's approval:

22 1. If this matter does not resolve on October 3, 2006, the parties will engage in
 23 conducting discovery.

24 2. The parties agree to continue trial of this matter to June 4, 2007, or a date that is
 25 convenient to the Court.

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 27
 28 ^{1/} Pursuant to a Stipulation entered by this Court, the mediation deadline was extended to August 29, 2006.

3. The parties agree that all of the discovery deadlines associated with the March 5, 2007, trial date should be vacated and re-calendared to conform with the new trial date.

DATED: September 17, 2006

Respectfully submitted,
WILLOUGHBY, STUART & BENING, INC.
By Bradley A. Bening
BRADLEY A. BENING
Attorneys for Plaintiff
MONTEREY MUSHROOMS, INC.

DATED: September 15, 2006

LEWIS BRISBOIS BISGAARD & SMITH LLP
By Julian J. Pardini
JULIAN J. PARDINI
Attorneys for Defendant
AMERICAN HOME ASSURANCE COMPANY

ORDER

Upon reviewing the above stipulated request of the parties for an order continuing the trial date and vacating the current the discovery deadlines,

IT IS HEREBY ORDERED that:

1. The trial of this matter currently scheduled for March 5, 2007 is vacated.
2. All discovery deadlines as set forth in this Court's Order dated May 30, 2006 are similarly vacated.
3. The trial of this matter is now scheduled for June 11, 2007.
4. The Fact Discovery Cutoff is now extended to January 19, 2007.
5. Designation of Experts with Reports will be due on or before February 2, 2007.
6. Designation of Rebuttal Experts with Reports will be due on or before February 16, 2007.
7. Expert Discovery Cutoff is now extended to March 16, 2007.
8. The Last Day for Hearing on Dispositive Motions is April 24, 2007.

10:00 AM

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9. The Final Pretrial Conference is June 5, 2007. 1:30 PM.

HONORABLE HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE